

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1876 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

PRAVIN JAGDISHBHAI NAYAK

Versus

PRESIDENT

Appearance:

MR KK SHAH for Petitioner

None present for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 29/06/1999

ORAL JUDGEMENT

Heard the learned counsel for the petitioner.

2. After hearing the learned counsel for the petitioner and going through the contents of the special civil application, I am satisfied that here the petitioner is making an attempt to get appointment on compassionate ground in Government services as a matter of course or right. Not only this, if we go by the fact

that the mother of the petitioner submitted an application on 20th August, 1988 for appointment of his son, the petitioner herein, it is clear that she has taken the scheme of compassionate appointment to be a bearer cheque which can be encashed at any time.

3. It is true that the petitioner was minor on the date of the death of his father but in case because of death of his father, the family would have been put to financial crisis or in a position where they may not have any source of income to maintain themselves it is understandable that mother would have taken the appointment. She could not have reserved the right to enforce or claim that right on attaining the majority by his son. That is not the object and purpose of compassionate appointment. Compassionate appointment is given as what their Lordships of the Hon'ble Supreme Court has held from time to time, in a case where because of the death of bread earner of the family, the family has been put in a financial crisis or in a destitute position and to overcome that situation, the compassionate appointment may be necessary. That is not the case here. The petitioner, at the cost of repetition it is stated here, is claiming it to be as if it is his right. After four years of the death of the father, this application has been filed by the petitioner and if we go by the documents on record, nowhere it is stated that because of the death of the father of the petitioner, the family constantly came under financial crisis or difficulty or in a destitute position. Looking to the status of the family as well as the post which the father of the petitioner was holding in case it would have been really a case of need of giving compassionate appointment to one of the family members to overcome the financial crisis which has resulted because of the death of the bread earner of the family, the mother would have applied for the same. That has not been done and it certainly gives out that the family is not facing any financial crisis where compassionate appointment has to be given.

4. In the result, this special civil application fails and the same is dismissed. Rule discharged.
